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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,033	12/01/2000	Beerud D. Sheth	21673-05143	2583

7590 04/13/2005

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EXAMINER

HAVAN, THU THAO

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/728,033

Applicant(s)

SHETH, BEERUD D.

Examiner

Thu Thao (Helena) Havan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 5,6,12 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5,6,12 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11, 14.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**Detailed Action**

***Drawings***

The drawings filed on March 11, 2004 are accepted by the Examiner.

**Information Disclosure Statement**

The information disclosure statements (IDS) submitted on 10/24/03 and 5/20/04 were filed in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements were considered by the examiner

**Response to Amendment**

Claims 5, 6, 12, and 18 are pending. This action is in response to the amendment received March 11, 2004.

***Response to Arguments***

Applicant's arguments with respect to claims 5, 6, 12, and 18 have been considered but are moot in view of the new ground(s) of rejection.

Claims 5 and 6, rejected under 35 U.S.C. 112, second paragraph, are overcome.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 18 is rejected under 35 U.S.C. 102(e) as being anticipated by Huberman (US 6,078,906).

18. A computer implemented method comprising the steps of:

establishing a database of service providers for providing a predefined service (col. 10, lines 60 to col. 11, line 13; col. 8, lines 64 to col. 9, lines 12; col. 4, lines 9-13; col. 3, lines 9-16); in other words, when a supplier generates a bid then it's establishing a database of predefined service;

receiving a purchase request for the predefined service from a buyer (col. 10, lines 3-31; col. 3, lines 16-20 and 55-58);

assigning the purchase request to a service provider in the database (col. 4, lines 1-20 and 41-46; col. 9, lines 12-21); and

returning a deliverable from the service provider to the buyer (col. 13, lines 16-36; col. 4, lines 1-6 and 33-46, col. 5, lines 10-35), wherein the step of returning a deliverable from the service provider to the buyer includes adjusting a number of projects that the service provider is working on to reflect that that service has been delivered to the buyer (col. 13, lines 46-67; col. 15, lines 1-12; col. 11, lines 2-23). In other words, Huberman teaches adjusting a number of projects when he discloses the winning project to the rest of the losing suppliers. Therefore, once a project is taken up then the numbers of projects have to be adjusted for the rest of the losing service providers.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huberman (US 6,078,906) in view of non-patent literature (Humpreys, A just-in-time evaluation strategy for international procurement, pgs. 1-11).

Claims:

5. A computer implemented method comprising the steps of:

establishing a database of service providers for providing a predefined service (col. 10, lines 60 to col. 11, line 13; col. 8, lines 64 to col. 9, lines 12; col. 4, lines 9-13; col. 3, lines 9-16); in other words, when a supplier generates a bid then it's establishing a database of predefined service;

receiving a purchase request for the predefined service from a buyer (col. 10, lines 3-31; col. 3, lines 16-20 and 55-58);

assigning the purchase request to a service provider in the database (col. 4, lines 1-20 and 41-46; col. 9, lines 12-21); and

returning a deliverable from the service provider to the buyer (col. 13, lines 16-36; col. 4, lines 1-6 and 33-46, col. 5, lines 10-35).

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However, Huberman does not explicitly teach adding the service provider to the database if the reputation of the service provider exceeds a predetermined threshold. Nevertheless, Huberman generally discloses a buyer might favor a particular service provider for reasons other than price such as a supplier's reputation (col. 12, line 64 to col. 13, line 6). On the other hand, Humpreys specifically teaches adding the service provider to the database if the reputation of the service provider exceeds a predetermined threshold (Humpreys: pg. 4, paragraphs 3-5 to pg. 5, paragraphs 1-2). In other words, Humpreys teaches an acceptable threshold of performance for supplier organizations by measuring then adding the reputation of the suppliers. Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement a supplier's reputation for providing a service to a buyer because it provides a means of evaluating supplier performance.

6. A computer implemented method comprising the steps of:

establishing a database of service providers for providing a predefined service (col. 10, lines 60 to col. 11, line 13; col. 8, lines 64 to col. 9, lines 12; col. 4, lines 9-13; col. 3, lines 9-16); in other words, when a supplier generates a bid then it's establishing a database of predefined service;

receiving a purchase request for the predefined service from a buyer (col. 10, lines 3-31; col. 3, lines 16-20 and 55-58);

assigning the purchase request to a service provider in the database (col. 4, lines 1-20 and 41-46; col. 9, lines 12-21); and

returning a deliverable from the service provider to the buyer (col. 13, lines 16-36; col. 4, lines 1-6 and 33-46, col. 5, lines 10-35).

However, Huberman does not explicitly teach adding the service provider to the database if the reputation of the service provider exceeds a predetermined threshold, in accordance with ratings of the service provider. Nevertheless, Huberman generally discloses a buyer might favor a particular service provider for reasons other than price such as a supplier's reputation (col. 12, line 64 to col. 13, line 6). On the other hand, Humpreys teaches adding the service provider to the database if the reputation of the service provider exceeds a predetermined threshold, in accordance with ratings of the service provider (Humpreys: pg. 3, paragraphs 2-5; pg. 7, paragraphs 5-6). In other words, Humpreys teaches an acceptable threshold of performance for supplier organizations by measuring then adding the reputation of the suppliers. In addition, he discloses composite ratings are determined by the buyer in working with the suppliers. Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement a supplier's reputation for providing a service to a buyer because it provides a means of evaluating supplier performance and rating.

**12.** A computer implemented method comprising the steps of:

establishing a database of service providers for providing a predefined service (col. 10, lines 60 to col. 11, line 13; col. 8, lines 64 to col. 9, lines 12; col. 4, lines 9-13; col. 3, lines 9-16); in other words, when a supplier generates a bid then it's establishing a database of predefined service;

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receiving a purchase request for the predefined service from a buyer (col. 10, lines 3-31; col. 3, lines 16-20 and 55-58);

assigning the purchase request to a service provider in the database (col. 4, lines 1-20 and 41-46; col. 9, lines 12-21); and

returning a deliverable from the service provider to the buyer (col. 13, lines 16-36; col. 4, lines 1-6 and 33-46, col. 5, lines 10-35).

However, Huberman does not explicitly teach receiving a reputation threshold from a buyer used to determine potential service providers. Nevertheless, Huberman generally discloses a buyer might favor a particular service provider for reasons other than price such as a supplier's reputation (col. 12, line 64 to col. 13, line 6). On the other hand, Humpreys specifically teaches receiving a reputation threshold from a buyer used to determine potential service providers (Humpreys: pg. 8). He discloses a collaborative relationship between buyers and suppliers with the buyers assigning a score to rank reputation of a supplier. For example, a buyer ranks supplier A with a performance index of 0.55 while supplier B has a value of 0.83. Consequently, suppliers are receiving a reputation threshold from a buyer. Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement a supplier's reputation for providing a service to a buyer because it provides a means of evaluating supplier performance.



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### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Ojha et al, US Patent No. 6,598,026, is directed to reputation of a buyer.

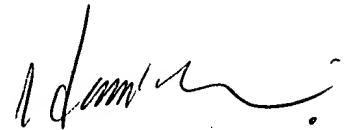
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao (Helena) Havan whose telephone number is (703) 605-0200.

The examiner can normally be reached on Monday-Friday from 9:00 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TTH  
3/2/2005



HANI M. KAZIMI  
PRIMARY EXAMINER